

**REPORT - PLANNING COMMISSION MEETING
February 24, 2005**

Project Name and Number: Niles Town Plaza (PLN2005-00178)

Applicant: The Redevelopment Agency of the City of Fremont

Proposal: To consider a conceptual design of the proposed Niles Town Plaza, reconfigured public parking area and related site improvements.

Recommended Action: Provide comment and direction.

Location: Union Pacific Railroad Property between H and I Streets in the Niles Planning Area.

Assessor Parcel Number(s): 507-0150-006-11

Area: Overall Site: approximately 5.25 acres;
Niles Town Plaza portion: approximately 1.7 acres

Owner: Redevelopment Agency of the City of Fremont

Agent of Applicant: Luke Connolly, Redevelopment Project Manager, City of Fremont

Consultant(s): Keith Gurnee, Principal, RRM Design Group

Environmental Review: CEQA review has not been performed at this point. After final direction is received from City Council on the conceptual design, the project will be subject to a formal environmental review process, at which time a CEQA evaluation will be performed.

Existing General Plan: Community Commercial Center

Existing Zoning: Community Commercial, Historic Overlay

Existing Land Use: Vacant, with exception of the Niles Freight Depot

Public Hearing Notice: A total of 700 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Niles Boulevard, Mission Boulevard, Vallejo Street, 2nd Street, 3rd Street, I Street, H Street, J Street, G Street. The notices to owners and occupants were mailed on February 11, 2005. A Public Hearing Notice was delivered to The Argus on February 7, 2005 to be published by February 10, 2005.

In addition, 12 public hearing notices were mailed as a courtesy to interested parties.

Executive Summary: Over the last few years, City and Redevelopment Agency Staff have been working with the community and an outside consultant to prepare conceptual designs for the Niles Town Plaza. The Town Plaza will be located on the north side of Niles Boulevard between H and I Streets. A preferred design has been prepared and staff is presenting this design to the community, HARB and the Planning Commission for review and comment. The preferred design and comments will then be presented to City Council for final direction. It should be noted that a conditional use permit is needed for the approval of the Town Plaza. The conditional use permit and environmental impact assessment will return to the Planning Commission for review and approval at a later date.

Background and Previous Actions: In 1999, the Redevelopment Agency began the process of acquiring the 5.25 acre project site (UP Property) from the Union Pacific Railroad Company and subsequently contracted with RRM Design Group

in April 2002 to begin conceptual design work on the Town Plaza, located on the portion of UP Property between H and I Streets, and the surrounding area.

Also during this time, the Agency performed a series of environmental tests on the UP Property, which revealed extensive surface soil contamination caused by decades of railroad operation and pesticide use. Due to the discovery of contaminated soil, the Town Plaza design work was put on hold in early 2003 to analyze necessary remediation to catch up and proceed concurrently with the design effort. The Agency, in conjunction with RRM, re-initiated conceptual design work on the Town Plaza following adoption of the Fiscal Year 2004-05 budget. Well-attended design workshops soliciting community input were held in August and November, 2004. Comments received at these workshops form the basis of the Town Plaza plan now being presented for review and comment.

Project Description: The design and development of the Niles Town Plaza was one of the principal implementation measures identified in the *Niles Concept Plan*, approved by the City Council in September 2001. The *Concept Plan* identified the design and development of a Town Plaza as the principal element, both in terms of strengthening community identity and stimulating the economic revitalization, of the Niles District. In April 2002, the Redevelopment Agency contracted with RRM Design Group to perform conceptual planning and design work for a 9.3-acre area (then referred to as the Union Pacific Property Study Area) comprising most of the largely undeveloped north side of Niles Boulevard, opposite the majority of Niles' historic commercial properties. RRM's planning efforts considered a number of options over this relatively large area, including identifying expanded public parking opportunities and the potential development of buildings along the north side of Niles Boulevard. However, RRM was primarily focused on the creation of a Town Plaza in accordance with the principles identified in the Concept Plan. During the remainder of 2002, Agency staff and RRM Design held two community workshops (June and October) and twice (June and September) presented conceptual designs to the City Council.

Also during this time, the Redevelopment Agency performed a series of environmental tests on the largest individual parcel included in the Study Area, the 5.25-acre UP Property. The Agency received an "order of possession" on the UP Property in early 2000, as part of a previously-initiated eminent domain action, and was attempting to finalize the acquisition of the site from the Union Pacific Railroad Company. The environmental testing revealed extensive surface soil contamination caused by decades of railroad operation and pesticide control measures, on the UP Property and on portions of the adjacent City-owned parking lots, which were also formerly owned and used by various railroad operators. In early 2003, due to the nature and extent of the contamination, the design work for the Study Area/Town Plaza was put on hold with the intent of focusing on remediation so that a clean-up strategy for the site could proceed concurrently with design and redevelopment efforts.

The current budget, Fiscal Year 2004-05, "reactivated" the UP Master Plan and Town Plaza concept. Approximately \$3 million is currently available for the project. Accordingly, the Redevelopment Agency directed RRM to prepare revised plans focusing on the two City-owned parking lots and the UP Property, and to concentrate on the design of the Town Plaza and reconfigured parking area.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Community Commercial Center. The proposed project is consistent with the existing General Plan land use designation for the project site because development of the Town Plaza will remove blight from the area and enhance the pedestrian oriented commercial environment by complementing the commercial uses with public space/plazas, walkways and landscaping. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Policy 2.14 – A Community Commercial area should be a pedestrian oriented commercial environment.

Development of the Niles Town Plaza helps foster the pedestrian orientation of the area by eliminating blight and providing a needed public space with sidewalk connections to adjacent properties.

Land Use Policy 2.16 – Development of the Community Commercial Center should be guided by a design and development plan.

Development of the Niles Town Plaza is an implementation measure of the *Niles Concept Plan*. One of the primary strategies of the *Concept Plan* is the Community Design Strategy. The primary feature of the Community Design Strategy is the creation of a new plaza in downtown Niles.

Niles Concept Plan Conformance: As previously mentioned, the Niles Town Plaza is an implementation measure of the Community Design Strategy of the Niles Concept Plan. The Concept Plan suggests developing the Plaza to provide a gathering place for residents and special events. The Town Plaza would preserve open space on the northern side of Niles Boulevard, maintain views of the surrounding hills and provide a connection between the north and south side of Niles Boulevard.

Niles Concept Plan Policy CD-2: Develop a Downtown Plaza at the heart of Niles for community events and informal gatherings.

Redevelopment Plan Conformance: The proposed Town Plaza project and related parking reconfiguration would be the first phase of the redevelopment of the UP Property and the adjacent City-owned parking lots, all former railroad properties in need of environmental remediation. The UP Property is currently vacant, except for chain link fencing and the presence of the unused Freight Depot. In conjunction with the two immediately adjacent and under-utilized parking lots, this gives the north side of Niles Boulevard a barren, neglected appearance that negatively effects the remainder of the Niles commercial district. The proposed Town Plaza project is a much needed redevelopment effort that will eliminate blight and enhance the economic viability of the Niles Redevelopment Project Area. Additionally, the Five-Year Plan anticipated the remediation of the site and completion of the Town Plaza and public parking, as funding permitted.

Zoning Regulations: Development of the Town Plaza is subject to a Conditional Use Permit by the Planning Commission. After final direction and design approval is received from the City Council this project will return to HARB and Planning Commission for conditional use permit approval.

Parking: The *Niles Concept Plan* acknowledged that a site capable of providing expanded parking facilities would need to be identified and that the existing Parking Assessment District would have to be reformulated, or replaced, so that additional commercially-zoned properties would be able to join and pay into the assessment district. The redevelopment plan for the Niles Town Plaza also includes a much larger surface parking area (set well back from Niles Boulevard, in accordance with the Concept Plan's guidelines) than presently exists and increased diagonal, on-street parking that would increase the total number of spaces in the Parking Assessment District from 176 to approximately 400. In terms of reformulating the assessment district, the City is working with Niles property owners to set up a new district that would have the ability to include additional properties and would provide for the maintenance of the Town Plaza and expanded parking facilities, when constructed.

Community Engagement: There has been active community engagement for this project, beginning with community workshops held in June and October 2002 which looked more broadly at the larger UP Study Area, and continuing with those in August and November of 2004, which resulted in the Town Plaza design being presented at this meeting. In addition, a five-person focus group, representatives of Niles' residents, merchants and commercial property owners, provided key input on the project. Staff also attended regularly held meetings with Niles property owners to discuss the Town Plaza and related components of the overall project.

Maintenance of Town Plaza and New Parking Lot: The Redevelopment Agency is the funding source for the design and construction of the proposed Niles Town Plaza and public parking area. State redevelopment law, however, precludes the use of redevelopment money for maintenance purposes. Therefore, an alternate funding source will be needed for the maintenance of all facilities—Town Plaza and parking—constructed as part of this project. At present, the two existing City-owned parking lots, which abut the proposed Town Plaza site, are included in the Niles Parking and Improvement Area (Parking District). This existing Parking District is comprised of the majority of Niles' commercial properties and was set up, in 1978, to cover the maintenance costs of the two lots through payment of a fee based on the City's business license tax. However, the existing Parking District currently generates far less than is needed to maintain the existing parking lots and does not provide a mechanism to either add additional property owners in the assessment or pay for non-parking related facilities, such as the proposed Town Plaza.

Since City maintenance funds have also been severely impacted by recent budgetary constraints, City and Agency staff is currently exploring the potential of establishing a combination of assessment districts that could include both commercial and residential property owners. Given that the Town Plaza would be a public use with wide community benefit, a landscape and lighting district, or a similar mechanism, that includes both residential and commercial property owners could be formed solely for the maintenance of the plaza. In addition, a Property-Based Improvement District (PBID), or parking assessment district could be established by commercial property owners for the maintenance of parking areas which serve the commercial district (PBIDs are limited by law solely to the inclusion of commercially zoned properties). In addition to maintenance, PBIDS can also fund security, marketing, business recruitment and retention, and special events.

DESIGN ANALYSIS: The proposed Niles Town Plaza is approximately 1.7 acres in area and is located on the north side of Niles Boulevard, between H and I streets, between two existing City-owned parking lots. The current design of the Niles Town Plaza is based on the preferred alternative, (referred to as the "Contextual" alternative), that is most evocative of Niles' railroad heritage. The design features asymmetrical radial paths leading from the public sidewalk to an amphitheater/stage area. Reflective of Niles' railroad heritage, the design anticipates the relocation of the Niles Depot building (moved from the Town Plaza site to Mission Boulevard in 1984), to form a backdrop to the amphitheater. In addition, the design shows a refurbished Freight Depot (currently located onsite, as shown), a railroad car and an axial path bisecting the Plaza and paralleling the railroad tracks immediately to the north.

At present, a few of the specific design elements shown on the plan remain quite conceptual. For instance, Planning and Redevelopment staff is currently working with historic and structural consultants to determine the feasibility and impacts of moving the Freight Building to another location, either onsite or to a nearby property. Also, staff is in the process of researching and visiting similar sites, such as a recently completed railroad-oriented plaza in Colma, to further determine potential uses for the structures, included in the current Niles Town Plaza design.

Landscaping: The landscaping for the proposed Plaza features a mix of turf areas and decomposed granite separated by radial pathways. Turf areas are limited to those portions of the Plaza adjacent to the public sidewalk and the amphitheater area to minimize maintenance costs and irrigation. The proposed tree specimens include a mix of deciduous shade trees and large-scale palms (i.e., Canary Island and Washingtonia fan palms) so that shade will be provided around key seating areas but views to the hills will not be obscured. Smaller-scale landscape materials (i.e., shrubs, ground cover) have yet to be identified but will be chosen with a similar focus on low-maintenance, durability and drought tolerance.

View Impacts: It is not anticipated that development of the Plaza will impact views in the area. The location of the plaza is such that views will not be impacted, but rather will be preserved.

ENVIRONMENTAL ANALYSIS: CEQA Review has not been performed at this point. After final direction is received from City Council, the project will be subject to a formal review process, at which time a CEQA evaluation will be performed.

Response from Agencies and Organizations: At the time of writing this report, no comments have been received from outside agencies.

Summary of January 11 City Council Meeting: On January 11, 2005, the Town Plaza proposal was presented to the Agency Board/City Council to update them on its status and the shift in focus from master planning the entire UP Study Area to the design of the plaza itself. The City Council's primary concerns were that the plaza design be functional, practical, safe, low maintenance and reflect the community's interest and the history of Niles. The Council expressed an interest in integrating public art into the existing design and wanted more information regarding the disposition of both the Train Depot and the Freight Building. This information will be available when the project returns to Council for final action in late April.

Summary of February 3 HARB Meeting: On February 3, 2005, the Town Plaza proposal was presented to the Historical Architectural Review Board (HARB) for their review and comment. HARB supported the design of the Town Plaza with the following recommendations:

1. That the landscape palette use large-scale palms (i.e., Canary Island and Washingtonia fan palms) and deciduous trees in lieu of large evergreen (i.e., Coast Live Oak) and small-scale flowering (i.e., crepe myrtles, California Buckeyes) trees;
2. That outdoor furniture match that already used along Niles Boulevard and be of a design that hinders the ability to lie down upon it;
3. That the final plans show locations and possible types of public art and that the design allows the face of the amphitheater seating wall to accommodate personalized tiles for donation purposes;
4. That the onsite Freight Building should be retained, restored and shown on the final plans as being ADA accessible but that restoration work on the Freight Building should not occur prior to the relocation of the Niles Depot to the Plaza site.

Overall, HARB was supportive of the project design and that the design process continues to expeditiously progress to completion.

Major Milestones and Tentative Schedule: Following this meeting, the proposed Niles Town Plaza and parking lot is tentatively scheduled to be presented for review and comment to the City Council/Redevelopment Agency Board for final design approval in late April. During this time, staff will be:

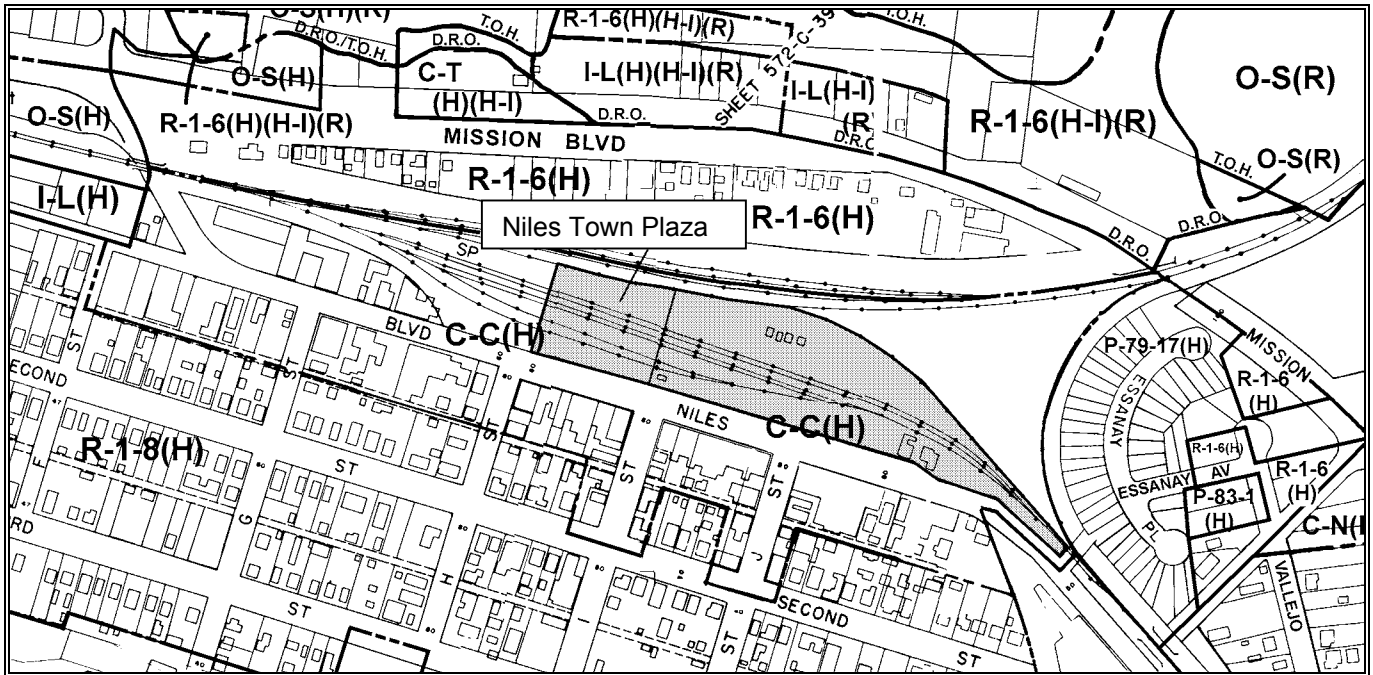
- (a) Developing the appropriate strategy for the establishment of an assessment district(s) to resolve ongoing maintenance issues;
- (b) Developing cost estimates for discrete elements such as relocation/restoration of the Depot, restoration of the Freight Building and other cost items so that Council will be in a position to prioritize these elements within the constraints of the existing budget.
- (c) Finalizing the environmental remediation of the site. Once the Town Plaza plan is finalized, it will form the basis for remediation efforts, and a clean-up of the site will be planned and undertaken. This will mean identifying areas where soil removal must occur as part of the project, including landscaped areas with deep-rooted trees, areas requiring frequent irrigation, below-grade utility corridors and footings for light standards. The remediation plan for the entire site must be approved by the California Department of Toxic Substances Control (DTSC) with input from other agencies, such as the Alameda County Water District (ACWD). The Redevelopment Agency has already performed considerable testing; however, it is likely that the process to obtain DTSC approval will take until mid-June 2005.
- (d) Advancing the Town Plaza drawings through the conceptual, design, and construction phases in order to expedite construction of the project. This work will likely form the critical path for the completion of the project. At present, the Agency has not selected a firm to advance the Town Plaza plans beyond the conceptual phase, but staff estimates that completing design, environmental remediation and construction work on the Town Plaza will be a 2 ½ -3 year process.

ENCLOSURES: Exhibit "A" (Power Point Handout with Plaza Design)
 Exhibit "B" (Conceptual Plaza and Parking Design)
 Exhibit "C" (February 3 HARB Minutes)

Recommended Actions:

1. Hold public hearing
2. Provide comments to staff and City Council. Specifically, staff is seeking input on:
 - a) The overall design and features of the Town Plaza;
 - b) The inclusion and rehabilitation of the Freight Depot in the Town Plaza design, at its current location or another location on site;
 - c) The inclusion, and future relocation, of the Niles Train Depot at the Town Plaza;
 - d) Conceptual parking layout.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

